IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 9403 of 2005

Between:

R.Sambaiah @ Sambasiva Reddy, s/o R.Konda Reddy,
r/o Challagundla, Guntur District.

..... PETITIONER

AND

1 The State of Andhra Pradesh, rep., by Director of School Education,

A.P.Hyderabad.
2 The District Educational Officer, Guntur District.
3 The Correspondent, R.E.P.School for Physically Handicapped,

Challagundla, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus, declaring that the date of birth record in S.S.C. of the petitioner as on 30-6-1949 is baseless improper and illegal and is therefore liable to be set aside, and consequently direct the respondents authorities to record the correct date of birth of the petitioner as on 21-6-1952 in all the service records of the petitioner so as to enable the petitioner to continue in service up to his date of superannuation as per Rules taking into account petitioner date of birth as on 21-6-1952 only and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.T.L.N.CHARY

Counsel for the Respondent Nos.1 and 2: GP FOR EDUCATION

The Court at the stage of admission made the following:

ORDER:

-

Declaring the date of birth record in S.S.C of the petitioner as on 30.06.1949 as baseless, improper and illegal, and for consequential direction to the respondent authorities to record the correct date of birth of the petitioner as 21.06.1952, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government pleader for the respondents.

It is a serious disputed fact, which is required to be proved and established by the competent authority with regard to correct date of birth of the petitioner. This Court, while exercising its extraordinary jurisdiction under Article 226 of the Constitution of India, cannot determine the date of birth of the petitioner. The writ petition is devoid of merit.

Therefore, the Writ Petition is dismissed, giving liberty to the petitioner to approach appropriate Forum to seek his redressal. No order as to costs.

Dated: 26.04.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The Director of School Education,

Government of Andhra Pradesh,

Hyderabad

2. The District Educational Officer,

Guntur District

3. The Correspondent,

R.E.P.School for Physicall Handicapped,

Challagundla, Guntur District

4. Two CCs to the Government Pleader for Education,

High Court Buildings, Hyderabad (OUT)

5. Two CD copies

*Form-NIC-OGS/WP{**RS**}*